



Division of Vocational Rehabilitation  
Wisconsin Department of Workforce Development

# **VR PROGRAM POLICY**

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# **FOREWORD**

## **Introduction**

The purpose of this manual is to provide program policy for the provision of Vocational Rehabilitation services by the Wisconsin Division of Vocational Rehabilitation (DVR). The intent of the policy is to outline what is expected based upon federal law and regulation and other applicable federal and state regulations. As such, there can be no exceptions to this policy. The foreword to this policy provides the purpose of Title I of the Rehabilitation Act of 1973, as amended. This provides the basis for a common understanding of the program intent.

While the policy dictates what must be done, there will not be detailed procedures on how these policies must be implemented. Due to the individualized nature of the program, there is no one best way to accomplish the intent of these policies. It is trusted all staff in the agency will understand and implement these policies in the manner most appropriate for the individual being served.

## **Purpose of the Vocational Rehabilitation (VR) Program**

The purpose of Title I of the Rehabilitation Act of 1973, as amended, is to provide "comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation that is designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, and capabilities, interests and informed choice, so that such individuals may prepare for and engage in gainful employment." [P.L. 105-220 s. 100 (a)(2)]

# **I. GENERAL POLICIES**

## **Accommodations**

Accommodations, including language and sign language interpreting, shall be provided, as needed, during the VR process to enable consumers to participate to the fullest extent possible in their plans for employment development and implementation. The DVR shall not provide accommodations that are the legal responsibility of another party.

## **Agreements with Other Agencies**

The DVR staff must comply with the provisions of all contracts or memorandums of understanding (MOU) between the DVR and other agencies, organizations, community rehabilitation programs and other providers.

## **Appropriate Modes of Communication**

Communication with the consumer or, as appropriate, the consumer's representative shall be supplemented, as necessary, by other appropriate modes of communication. The appropriate mode of communication shall be consistent with the informed choice of the consumer and enable the consumer to comprehend and respond to information that is being communicated.

## **Case Record**

A case record shall be maintained for each consumer served by the DVR. The IRIS computer record is the official DVR case record.

Required documentation includes the following:

- Information supporting the decision made regarding eligibility, order of selection and significance of disability.
- Justification for provision of services, including job placement, in a nonintegrated setting.
- Information supporting the development of the long-term vocational goal, services and measures.
- Plan for employment and any amendments.
- Periodic reviews and evaluations of the plan for employment.
- Periodic assessments carried out during the provision of planned trial work experiences.
- Information supporting the provision of supported employment services.

- Consumer's request for an appeal and any decision or action resulting from that request.
- Information supporting the decision to close a consumer's case record, including verification of competitive employment, if obtained.
- Information to support the decisions and actions of the DVR in providing, denying or altering services and, as necessary, to comply with case management needs including direct payment receipts and documentation.
- Consumer financial information, when required, and maximum monthly contribution.

If a consumer believes information in the case record is inaccurate or misleading, the consumer may request the information be amended. The request, content and decision regarding an amendment shall be documented in the case record.

### **Citizenship and Residency**

No duration of residence requirement shall be imposed on any consumer present in the state. Aliens with visas allowing them to work while in this country may be eligible for services.

### **Client Assistance Program (CAP)**

Each consumer shall be informed of the availability of services through CAP.

### **Community Resources**

The DVR shall, as appropriate, make maximum use of public or other vocational or technical training programs and other community resources, including community rehabilitation programs, in the provision of VR services.

### **Confidentiality and Release of Information**

All personal information shall be kept confidential. Information shall be released only with the informed, written consent of the consumer or, if appropriate, the consumer's representative.

### **Exceptions**

- In the administration of the VR program.
- As needed to protect the consumer from physical harm to self or others.
- In response to law enforcement, fraud or abuse investigations.
- In response to a judicial order.
- When required by federal statute or regulation for an approved audit, research or evaluation purposes.

- In suspected cases of abuse, neglect, exploitation or endangerment, unless expressly prohibited by federal or state laws or regulations.
- Information obtained from another agency shall be released only by or under the conditions established by the other agency. Consumers, through appropriate means of communication, and providers of information shall be advised of the confidentiality and release restrictions. Medical, psychological and other information determined to be potentially harmful to the consumer shall not be directly released to the consumer, but shall be released to another party chosen by the consumer. Information may be released to parents of consumers who are minors or legal guardians under the same conditions as it may be released directly to consumers.

### **Consumer Rights & Responsibilities**

Consumers shall be advised, in writing, of their rights, including the availability of the CAP, at the following times:

- At the time they apply for services.
- At the time of the decision that the consumer is not eligible for VR services or does not meet the requirements of an open Order of Selection category.
- When his/her plan for employment is prepared or amended.
- When services are denied.
- When a decision to close the case is made.
- Upon request at any time during the VR process by the consumer or, as appropriate, the consumer's representative.

Each consumer shall have his/her responsibilities clearly defined as they relate to the VR process. Responsibilities will vary according to the abilities of each consumer and are defined within the counseling and guidance relationship.

### **Data Collection**

The DVR staff shall be responsible for the timely provision of accurate data necessary for the operation of the DVR's management information and fiscal data system.

### **Due Process**

A consumer or, if appropriate, a consumer's representative who is dissatisfied with any DVR decisions concerning the furnishing or denial of services may request a timely review of those determinations. This process may include the following:

### Informal Resolution

When the consumer agrees, the DVR shall use informal resolution procedures, including mediation. A consumer may choose to go directly to a formal hearing without participating in an informal resolution process.

### Mediation

A qualified and impartial mediator who is trained in effective mediation techniques conducts mediation. This process is confidential, voluntary and must be agreed to by both parties and is not to be used to deny or delay the right of a consumer to a hearing. Discussions that occur during the mediation process will not be used as evidence in any subsequent due process hearing or civil proceeding.

### Impartial Hearing

The impartial hearing is performed by an impartial hearing officer selected from a pool of qualified individuals identified by the DVR and the Wisconsin Rehabilitation Council (WRC).

The consumer or, if appropriate, the consumer's representative must have an opportunity to present by counsel, or other appropriate advocates may be obtained, and shall have the opportunity to submit additional evidence, information and witnesses to the impartial hearing officer. Also, representation to examine all witnesses and other relevant sources of information and evidence. Services that have been initiated shall not be suspended, reduced or terminated pending the final hearing decision unless the consumer or consumer's representative so requests or there is evidence that the services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the consumer.

The hearing must be held within 60 days of a consumer's initial request for review unless informal resolution is achieved prior to the 60th day or the parties agree to a specific extension of time. The impartial hearing officer shall make a decision based on the provisions of the approved Wisconsin State Plan for Vocational Rehabilitation, the Rehabilitation Act, federal Vocational Rehabilitation Regulations, and state regulations and policies that are consistent with federal requirements. The impartial hearing officer shall provide to the consumer or, if appropriate, the consumer's representative and to the DVR Administrator a full written report of the findings and grounds for the decision within 30 days of the completion of the hearing.

The decision of the hearing officer is final and must be implemented pending a review by the court if either party chooses to file with the court. A request for review must be filed within 30 days of the decision of the hearing officer to the Circuit Court of Appeals.

### **DVR Staff Responsibility**

The DVR staff respect consumers as individuals who have the right and responsibility to participate in and make decisions regarding their vocational futures.



DVR staff have the following responsibilities:

- To work in partnership with consumers to individually pursue, obtain and maintain employment suited to their abilities and interests and leading to independence, increased self-sufficiency and full inclusion in society.
- To provide individualized services to the consumer in an organized, planned manner and to exercise sound professional judgment in carrying out that responsibility.
- When unable to work through a conflict with a consumer, to involve management and to inform the consumer of his/her rights and the availability of assistance from the CAP.

### **Informed Choice**

Consumers must be provided with opportunities to participate actively and make meaningful and informed choices throughout the VR process including: evaluation and assessment services and providers, their vocational goals and responsibilities, the services needed to complete their plans for employment, and the service providers and methods used to procure such services.

Consumers shall be informed about their right to make informed choices. Consumers who require or request assistance in exercising informed choice shall be offered support services to assist them in this process. Consumers may choose to involve family members, advocates and other authorized representatives throughout the VR process.

### **Purchased Services**

All purchased services shall be authorized prior to the provision of services and according to all legal, state purchasing, DWD, and DVR requirements. Direct consumer payments shall be limited to situations where it is not practical or appropriate to purchase directly from the vendor, such as mileage, bus tokens, etc. DVR Management may approve exceptions to the above policy on an individual case basis.

### **Rates of Payment**

Whenever possible, a competitive process will be used to achieve a reasonable price. For purchases of goods and services not covered by specific contract or fee schedules, comparisons among three vendors should be sought, if possible. This price will then be the maximum the DVR will contribute to the purchase. If a contract or fee schedule exists, that will determine the maximum the DVR will contribute to the purchase. (See Addendum A for reference.) In the absence of those, the usual, customary and reasonable rate charged for the service, not to exceed the rate charged other public agencies, will be used. For medical services and equipment, the Medical Assistance price list will be the maximum allowable price. The service that will meet the consumer's need at the least cost to the DVR shall be the service purchased. In all purchasing, the consumer may choose his or her preferred vendor. In making this selection, if the consumer chooses a product or vendor that exceeds the maximum rate of payment established by the above procedures, the consumer will be responsible for the excess amount. The DVR shall not place a dollar limit on specific service categories or on the total services

provided to the consumer. The procedures described in the “Required Fiscal Case Documentation” section of this policy shall be used to request, review and document approval of purchases of goods and services that exceed the prices established by vendor comparisons, contracts or fee schedules. The DVR shall not be responsible for the cost of out-of-state services in excess of the cost of in-state services if either service would meet the consumer’s needs.

### **Required Fiscal Case Documentation**

Information supporting purchasing decisions must include:

- Information supporting the determination of the rate of payment for purchases of goods and services of \$500 or greater that are not covered by contracts or fee schedules.
- Information documenting price comparisons among three vendors for purchases of goods and services costing \$1,500 or more and not covered by specific contract or fee schedules. The lower price will be the maximum the DVR will contribute to the purchase.
- Information supporting requests to purchase goods and services that exceed the price established by price comparisons, fee schedules or contracts.
- Information documenting review and approval by DVR Management of requests to purchase goods and services not covered by contracts or fee schedules at a cost higher than the lowest price obtained by comparing vendor prices.
- Information documenting review and approval by DVR Management of requests to purchase goods and services at a cost higher than the price established by contract or fee schedules.
- DVR Management review of rates of payment and programmatic approval for purchases as determined by the fiscal purchasing procedures.
- Information supporting purchases without prior authorization or significant deviations from original authorized amounts.
- For direct payments verification that the consumer received purchased goods and services, and documentation in IRIS that the money paid to the consumer was spent as intended by the DVR . Verification includes original receipts and demonstration that the consumer actually paid for the goods or services. Packing slips are not considered receipts. Verification must be included in IRIS
- Documentation of the action taken when no verification is obtained documenting that the consumer received the goods or services authorized.
- Documentation of the action taken when the consumer does not provide documentation that the money paid through a direct payment was spent as intended by the DVR.

### **Referrals to Other Programs**

Consumers will be provided accurate VR information and guidance, using appropriate modes of communication, to assist such consumers in preparing for, securing, retaining or regaining employment, and will be appropriately referred to other programs. The referrals shall be to federal or state programs, including programs carried out by other components of the statewide workforce investment system in the state, best suited to address the specific employment needs of a consumer. For each of these programs, consumers referred to other programs shall be provided with:

- Notice of the referral by the DVR to the agency carrying out the program.
- Information identifying a specific point of contact within the agency carrying out the program.
- Information and advice regarding the most suitable services to assist the consumer to prepare for, secure, retain or regain employment.

### **Service Provider Standards**

Providers of DVR services shall be licensed, certified, registered or otherwise accredited, as applicable, for the occupation, facility or service provided or in the absence of these requirements other equivalent competency assurances. Any facility in which services are provided shall meet the accessibility and the civil rights compliance standards required by law. This shall include meeting the special communication needs of consumers. Providers shall also take affirmative action to employ and advance in employment consumers with disabilities.

### **Timeliness**

The DVR staff must assure that all consumers with disabilities who are referred, apply or receive VR services are treated in an equitable and timely manner.

Timeliness will be defined individually, based on consumer needs and readiness for services. In general, however, the following guidelines will be met when appropriate.

DVR will encourage other agencies to refer individuals as soon as they become aware that the individual may need DVR services to allow for planning time. In the case of high school students, the schools will be encouraged to refer individuals at least two years before the individual is expected to transition to the workforce to allow time to coordinate transition services. Plans for high school students who are eligible to have a plan will be developed before they leave school.

All referrals will be handled by a DVR application unit. All referred individuals will be mailed a packet of application materials the same day the referral is received. Upon receipt of a signed application form, the case record will be opened.

DVR will complete eligibility determinations and order of selection category placement as soon as possible. The determination must be completed within 60 days of the receipt of application unless the consumer and counselor have agreed upon an extension that has been approved by management. (See ***Requests for Extensions of Eligibility Determination and IPE Development Timelines*** below.)

DVR will complete development of the IPE as soon as possible. The IPE must be completed within 90 days of the date of eligibility (or activation from the Order of Selection waiting list - whichever is later), unless the consumer and counselor have agreed upon an extension that has been approved by management. (See ***Requests for Extensions of Eligibility Determination and IPE Development Timelines*** below.)

***Requests for Extensions of Eligibility Determination and IPE Development Timelines***

Requests must be made in writing, by a counselor, to a DVR WDA Manager. The request must document the following:

1. The circumstances beyond the control of the consumer and DVR that create the need for an extension,
2. The specific date by which the decision (eligibility or completion of IPE development) will be made,
3. The steps to be taken to complete the process, and a timeline for those steps,
4. Consumer agreement with the extension.

## **II. ENTRY POLICIES**

### **Application**

A consumer is considered to have applied for VR services when the consumer has met the following three criteria:

- Completed a DVR application or otherwise requested services.
- Provided the information necessary to initiate an assessment to determine eligibility and priority for services.
- Is available to complete the assessment process.

### **Assessment for Determination of Eligibility**

To be eligible for VR services, a consumer must:

- Have a physical or mental impairment that results in a substantial impediment to employment.
- Require VR services to prepare for, secure, retain or regain employment.

It is presumed the consumer can benefit in terms of an employment outcome. Therefore, trial work experiences and extended evaluation are not used by DVR for the purpose of determining an individual's initial eligibility for VR services.

A consumer who is determined eligible for disability benefits under Title II or Title XVI of the Social Security Act (SSI or SSDI) is presumed to be eligible for VR services provided that the consumer intends to achieve an employment outcome. An application for DVR services is considered evidence of an intent to achieve an employment outcome.

The assessment for determination of eligibility shall be based on a review of existing data, including VR Counselor observations, to the maximum extent possible. Information may be obtained, as necessary, from other programs and providers, such as educational institutions, Social Security Administration, physicians, hospitals and other information provided by the consumer or his/her family. The data used must describe the current functioning of the consumer.

If existing data do not describe the current functioning of the individual or are unavailable, insufficient or inappropriate, the DVR shall base its determination of eligibility on an assessment of additional data resulting from the provision of vocational rehabilitation services, including assistive technology devices and services and work experience.

The determination of eligibility should be made as soon as possible, but the time shall not exceed 60 days after the consumer has submitted an application for VR services. However, the consumer and VR Counselor can agree on a specific extension of time due to exceptional and unforeseen circumstances beyond the control of the consumer or DVR.

A VR Counselor determines the eligibility. A written statement of eligibility is included in the case record. Consumers who are determined not to be eligible for VR services shall be informed of the decision, in writing, and be provided with the reasons for the determination of ineligibility, notification of their appeal rights and information about the Client Assistance Program (CAP). An ineligibility statement is completed and signed by a VR Counselor.

# **III. RECEIVING SERVICES POLICIES**

## **Order of Selection**

At any time the DVR resources do not permit all eligible consumers to be served, an order of selection for services shall be implemented giving first priority to consumers with the most significant disabilities. Second priority shall be given to consumers with significant disabilities and third priority to those with nonsignificant disabilities. Eligible consumers will be served as resources allow.

A consumer has a most significant disability if he/she has three or more significant functional limitations and requires multiple services over an extended period of time. A consumer has a significant disability if he/she has a severe mental or physical impairment that seriously limits one or more functional capacities in terms of an employment outcome and whose vocational rehabilitation requires multiple services over an extended period of time. An allowed SSDI beneficiary or SSI recipient is automatically considered to be, at least, an individual with a significant disability. After a consumer is found eligible for VR services, an order of selection determination is completed. An assessment of existing and/or additional data, to the extent needed to make this determination, may be conducted. The VR Counselor, jointly with each consumer, shall evaluate his/her functional limitations and anticipated scope of services in the order of selection determination. This policy does not affect a consumer who has begun to receive services under an approved plan for employment prior to the implementation date of the order of selection or those who are in need of post-employment services. Each consumer must be notified of the order of selection determination. Consumers in a closed category are offered referral services and the option to be placed on a waiting list until the category has been opened for VR services. Each consumer in a closed category will be contacted annually to determine if additional information is available.

## **Plans for Employment**

### **Options for Developing a Plan for Employment**

The plan for employment should be developed as soon as possible, but the time shall not exceed 90 days after the consumer is activated from an order of selection waiting list. (see page 8.)

- A VR Counselor shall complete the assessment for determining eligibility and VR needs, as appropriate, and shall provide the consumer or, as appropriate, the consumer's representative, in writing and in an appropriate mode of communication, with information on the consumer's options for developing a plan for employment. These options must include:
  - Information on the availability of assistance to the extent determined to be appropriate by the consumer from a VR Counselor in developing all or part of the plan for employment.

- The availability of technical assistance in developing all or part of the plan for employment.
- A description of the full range of components that shall be included in a plan for employment.
- As appropriate:
  - An explanation of the DVR guidelines and criteria associated with financial commitments concerning a plan for employment.
  - Additional information the consumer requests or the DVR determines to be necessary.
  - Information on the availability of assistance in completing the DVR forms required in developing a plan for employment.
- A description of the rights and remedies available to such a consumer including, if appropriate, recourse to due process and mediation.
- A description of the availability of the Client Assistance Program (CAP) and information about how to contact the CAP.

#### Mandatory Procedures

- Written Document. A plan for employment shall be a written document prepared on forms provided by the DVR.
- Informed Choice. The plan for employment shall be developed and implemented in a manner that affords the consumer the opportunity to exercise informed choice in selecting an employment outcome. Components of informed choice include: 1) the employment setting, 2) the specific VR services needed to achieve the employment outcome, 3) the settings in which the services will be provided, 4) the entity that will provide the VR services, and 5) the methods available for procuring the services.
- Transition. For high school students who are eligible for development of a plan for employment, the plan for employment will be completed prior to them leaving high school.

#### Signatories

A plan for employment shall be:

1. Agreed to and signed by the consumer or, as appropriate, the consumer's representative and
2. Approved and signed by a VR Counselor employed by the DVR.



### Copy

A copy of the plan for employment and any amendments to the plan shall be provided to the consumer or, as appropriate, to the consumer's representative, in writing and, if appropriate, in the native language or mode of communication of the consumer or, as appropriate, of the consumer's representative.

### Review and Amendment

- The plan for employment shall be reviewed, at least annually, by a VR Counselor and the consumer or, as appropriate, the consumer's representative. The review must include the signature of the counselor and the consumer or, as appropriate, the consumer's representative.
- The plan for employment shall be amended, as necessary, by the consumer or, as appropriate, the consumer's representative in collaboration with the DVR staff. An amendment is only necessary if there are substantive changes in the:
  - employment outcome,
  - VR services to be provided, or
  - providers of the services.

Amendments are not to take effect until agreed to and signed by the consumer or, as appropriate, the consumer's representative and by a VR Counselor.

### Mandatory Components of a Plan for Employment

The plan for employment shall contain, at a minimum, the following mandatory components:

- Description of the specific employment outcome chosen by the consumer.
- Timelines for the achievement of the employment outcome.
- Description of the specific services to be provided in an integrated setting, including assistive technology.
- Timelines for the initiation of the services.
- A description of the entity(ies) chosen by the consumer or, as appropriate, the consumer's representative to provide the services.
- The methods chosen by the consumer to procure the services.
- A description of criteria to evaluate progress toward achievement of the employment outcome.

- The terms and conditions of the plan for employment, including information describing:
  - DVR responsibilities.
  - Consumer responsibilities in relation to the employment outcome.
  - The participation of the consumer in paying for the costs of services.
  - The responsibility of the consumer in applying for and securing comparable benefits.
  - The responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits.
- For a consumer with the most significant disabilities with an employment outcome in a supported employment setting, information identifying:
  - The extended services needed by the consumer.
  - The source of extended services or, if the source of the extended services cannot be identified at the time of the development of the plan for employment, a description of the basis for concluding that there is a reasonable expectation that such source will become available.
  - If necessary, a statement of projected need for post-employment services.

### **VR Services for Consumers**

VR services are any services described in a plan for employment necessary to assist a consumer in preparing for, securing, retaining or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the consumer, including:

1. Assessment for determining eligibility and VR needs.
2. Counseling and guidance, including information and support services to assist a consumer in exercising informed choice.
3. Referral and other services to secure needed services from other agencies.
4. Job-related services, including job search and placement assistance, job retention services, follow-up services and follow-along services.

5. Vocational and other training services, including the provision of personal and vocational adjustment services, books, tools and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by the DVR and the consumer to secure grant assistance, in whole or in part, from other sources to pay for such training.
6. To the extent that financial support is not readily available from a source, such as health insurance or through comparable services and benefits, other than the DVR, diagnosis and treatment of physical and mental impairments, including:
  - Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time.
  - Necessary hospitalization in connection with the surgery or treatment.
  - Prosthetic and orthotic devices.
  - Eyeglasses and visual services as prescribed by qualified personnel and who are selected by the consumer.
  - Special services (including transplantation and dialysis), artificial kidneys and supplies necessary for the treatment of consumers with end-stage renal disease.
  - Diagnosis and treatment for mental and emotional disorders by qualified personnel who meet state licensure laws.
7. Maintenance for additional costs incurred while participating in an assessment for determining eligibility and VR needs or while receiving services under a plan for employment. Maintenance is provided when relocation is necessitated by the IPE, is feasible and results in increased costs to the consumer. If commuting and relocation are both feasible, the consumer will have the choice. However, DVR costs will be limited by the less costly of the two alternatives.
8. Transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the consumer to achieve an employment outcome.
9. On-the-job or other related personal assistance services provided while a consumer is receiving other services described in this section.
10. Interpreter services provided by qualified personnel for consumers who are deaf or hard of hearing or deaf-blind, and reader services for consumers who are determined to be blind after an examination by qualified personnel who meet state licensure laws.

11. Rehabilitation teaching services and orientation and mobility services for consumers who are blind.
12. Occupational licenses, tools, equipment and initial stocks and supplies.
13. Service to achieve self-employment or small business goals: Technical assistance and other consultation services to conduct market analyses, develop business plans and otherwise provide resources to the extent such resources are authorized to be provided through the statewide workforce investment system to consumers who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome.

The DVR and the consumer must assess the individual's knowledge, ability, motivation and personal commitment to establish, operate and maintain a business that generates a competitive wage and will be self-sustaining.

The consumer must complete a thorough and well-researched business plan on self-employment or the operation of a small business. The plan must address all aspects of start-up costs, sources of funding, sufficient resources to leverage start-up capital, ongoing operation costs and likelihood of profitability within a reasonable timeframe.

14. Rehabilitation technology, including telecommunications, sensory and other technological aids and devices. Replacement of equipment must be disability-related and linked directly to the consumer's IPE.
15. Transition services for students with disabilities that facilitate the achievement of the employment outcome identified in the plan for employment.
16. Supported employment services, including ongoing support services and other appropriate services needed to support and maintain a consumer with a most significant disability in supported employment that are provided singly or in combination and are organized and made available to assist the consumer to achieve competitive employment. Supported employment services are provided based on a determination of the needs of the consumer and specified in a plan for employment. Supported employment services are provided for up to a maximum of 18 months unless, under special circumstances, the consumer and the VR Counselor agree to extend the time in order to achieve the rehabilitation objectives identified in the plan for employment.
17. Services to the family of a consumer necessary to assist the consumer to achieve an employment outcome.
18. Specific post-employment services necessary to assist a consumer to retain, regain or advance in employment.

19. Planned trial work experience provided in a realistic, integrated, work site in the community which evaluates the individual's abilities, capabilities, and work capacity. The selection of specific work sites for trial work experience must be consistent with the consumer's exercise of informed choice. Trial work experiences may include supported employment work situations or on-the-job training if they meet the aforementioned criteria. If the individual has accommodation needs which can be addressed through provision of assistive technology devices, assistive technology services, or personal attendant care services, those must be addressed when trial work experience is provided. The plan for trial work experiences must incorporate and document periodic assessments to be carried out during the trial work experiences.
20. Other goods and services necessary to assist a consumer to retain, regain or advance in employment.

### **Financial Contribution**

Consumers shall be encouraged to participate in the cost of the services listed in their plan for employment to the extent that they are able to do so. Financial contribution must be made for services specified on the IPE for services that started after approval of the IPE.

When applicable, financial contribution is required as long as at least one service is being provided in the IPE that is not exempt from financial contribution, but for no less than 90 days.

“Family” means an adult and that person’s spouse, if any, and any other person who meets internal revenue service standards as their dependant.

An adult residing in the home of his or her parent or parents is considered a separate family in determining ability to pay, unless he or she is claimed as a dependant for federal internal revenue purposes by the parent or parents. For an individual who becomes 18 after implementation of their plan, the individual is not considered emancipated if the parents continue to claim the individual as a dependent. In both circumstances, the family income would be used in determining ability to pay. This policy will be effective for all services subject to a financial contribution and provided after July 1, 2002.

The amount of the financial contribution by an individual for the costs of his/her services or services provided to a spouse or to a legal dependant is determined by using the DVR Maximum Monthly Financial Responsibility Schedule. The consumer’s financial information is recorded in the case record. If needed, refer to the “DVR Maximum Monthly Financial Contribution” form (DVR120) for calculations and definitions. A consumer's financial contribution will be reviewed at least annually or whenever changes in income or financial resources occur.

The value of in-kind contribution shall be credited to the consumer toward his/her financial liability. A consumer's financial liability/contribution cannot exceed the costs of goods and services purchased. The consumer will have financial liability/contribution for the duration of the plan. Services exempted from consideration of financial contribution are as follows:

- Business Enterprise Program.
- Evaluation and assessments.
- VR counseling and guidance.
- Information and referral.
- Placement services, including supported employment.
- Training to acquire home management skills.
- Training to acquire personal care skills.
- Interpreter or translator services used by a consumer to access the VR program and services.
- Reader services for individuals who are blind.
- Personal assistance services.
- Any VR service provided to an individual while receiving SSI or SSDI benefits (Title II and Title XVI of the Social Security Act) or W-2.

### **Comparable Benefits**

Prior to providing any VR services to a consumer, it shall be determined if comparable benefits or services exist under any program and whether those benefits or services are available to the consumer. If available, the comparable benefits and services shall be used in whole or in part to cover the cost of VR services, unless such determination would interrupt or delay:

- The progress of the consumer toward achieving the employment outcome identified in the plan for employment.
- An immediate job placement.
- The provision of such service to any consumer at extreme medical risk.

If a SSI/SSDI recipient has assigned their Ticket to Work to an employment network, other than the DVR, all services required to achieve their employment objective shall be provided by the employment network or governed by a cooperative agreement with that employment network.

The following services are exempt from determination of comparable benefits:

- Assessment for eligibility and plan for employment needs.
- VR counseling and guidance.
- Referral and other services to secure services from other agencies.
- Placement services.
- Rehabilitation technology.

Comparable benefits do not include awards and scholarships based on merit.

## **IV. CLOSURE POLICIES**

### **Closure Too Severely Disabled to Benefit from VR Services**

A case can not be closed because the individual is too severely disabled to benefit from VR services from applicant status because of the presumption of being able to benefit in Wisconsin. If, however, at any other time in the case process there is a suspicion that the individual is too severely disabled to benefit from VR services, an IPE will be written or amended to assess the individual's ability to participate in and benefit from VR services. Trial work experiences (meeting the criteria on Page 17) are required services for these plans (if trial work experiences are not available, alternate evaluation services must be provided in integrated settings and consistent with the individual's informed choice). Only after a variety of work experiences over a sufficient period of time result in clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome can the decision be made to close the case due to the severity of the individual's disability. No one assessment strategy alone can result in clear and convincing evidence.

### **Closure Prior to Eligibility**

A consumer's case shall be closed without an eligibility determination when the consumer declines to participate, refuses services, fails to cooperate, has died or is institutionalized. The case shall also be closed if the consumer is unavailable during an extended period to complete an assessment for determining eligibility and the DVR has made a reasonable number of attempts to contact the consumer or, as appropriate, the consumer's representative to encourage participation.

### **Closure Due to Ineligibility**

The consumer or, if appropriate, the consumer's representative shall be provided an opportunity for a full consultation of an ineligibility decision before the consumer's case is closed due to ineligibility. The consumer shall also be offered referral services.

### **Annual Review of Ineligibility Decisions**

Consumers who are ineligible because they are incapable of benefiting from VR services in terms of an employment outcome will be provided an opportunity for a review of that determination a year after case closure and, thereafter, at the request of the consumer. The review will assess whether their condition may have changed and they may now be eligible for services.

### **Closure after Eligibility Determination**

A consumer's case shall be closed after eligibility when it has not been possible to develop a plan for employment, the plan for employment has been completed, VR services are no longer necessary or appropriate or the consumer is no longer eligible. The consumer or, if appropriate, the consumer's representative shall be provided an opportunity to discuss the closure decision before closure.

### **Closure after Rehabilitation**

A consumer has achieved an employment outcome only if the following requirements are met and documented:

- Services provided under a plan for employment have contributed to the achievement of the employment outcome.
- The individual has achieved the employment outcome described in the individual's plan for employment.
- The employment outcome is consistent with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
- The employment outcome is in the most integrated setting possible; consistent with the consumer's informed choice.
- The consumer is compensated at or above the minimum wage and receives at least the customary wage and benefit level paid to nondisabled consumers performing similar work for the same employer.
- Employment has been maintained for at least 90 days.
- The consumer and VR Counselor consider the employment to be satisfactory and agree the consumer is performing well on the job.
- The employment is stable and the consumer no longer requires vocational rehabilitation services to maintain the employment.

At the time of closure the individual is informed of the availability of post-employment services.

Work in a nonintegrated or sheltered setting (extended employment) or work for which there is no payment is not considered a closure after rehabilitation. Nonintegrated or sheltered employment means the individual: 1) is normally paid on a piece rate basis, 2) is doing the same type of job, 3) is not generally afforded a benefits package offered other employees of the organization, and 4) is supported by other resources, such as county funding. Individuals employed by the program earning wages and benefits normally afforded a person engaged in an employment relationship are considered competitively employed in an integrated setting and, thus, a successful rehabilitation outcome.



### **Closure after Rehabilitation in Supported Employment**

A consumer's case shall be closed when the consumer is working in supported employment only when the employment represents competitive employment or employment in integrated work settings in which the consumer is working toward competitive employment. The employment must be in an integrated work setting where most employees do not have disabilities and the consumer regularly interacts with these employees while performing job duties or when the consumer regularly interacts with individuals who do not have disabilities, including the general public, while performing job duties as part of a work group of employees with disabilities. There shall be confirmation of extended support services after case closure by another party identified in the plan for employment. Closure occurs no sooner than 90 days after transition to extended support services. Consumers must be compensated under Sec 14 (c) of the Fair Labor Standards Act.

### **Notification of Closure**

Consumers, whose cases are closed for any reason except death or no known address, shall be notified, in writing, of the case closure, the type of closure, the reasons for the closure, the right to appeal the closure decision and the process for appealing, including the availability of the Client Assistance Program to assist with an appeal. Consumers shall be provided an opportunity for full consultation of case closure prior to the closure. Notification to the consumer or, as appropriate, to the consumer's representative shall be supplemented, as necessary, by other appropriate modes of communication consistent with the informed choice of the consumer.

### **Annual Review of Consumers Working Under a Sub-Minimum Wage Certificate**

If a consumer's case is closed because he/she has been working under a sub-minimum wage certificate, an annual review shall be conducted each year for two years. A consumer or, if appropriate, the consumer's representative may request additional reviews. The review is to determine the interests, priorities and needs of the consumer with respect to competitive employment or training for competitive employment. A consumer or, if appropriate, the consumer's representative shall have input into the review and reevaluation and sign an acknowledgment. Maximum efforts will be made to assist these consumers in engaging in competitive employment.

### **Post-Employment Services**

Consumers whose cases have been closed after rehabilitation shall be provided additional services, if necessary, to maintain, regain or advance in employment consistent with consumer's strengths, resources, priorities, concerns, abilities, capabilities and interests.

## ADDENDUM A – DVR FEE SCHEDULE

### Effective 01/01/2005

These fees are established in accordance with federal guidelines that permit an agency to establish fee limits for services designed to ensure a reasonable cost to the program for each service. If the service is provided as a direct payment to the individual either a receipt or other appropriate documentation that the funds were used as intended is required.

**Procedure for requesting exception to the fee schedule:** If the Plan for Employment service needs of the individual exceed the fee schedule, the VR counselor, after consultation with a supervisor, should make a written request to the Director of the Bureau of Consumer Services or designee for an exemption from the fee schedule. If a request for exception is denied, the consumer must be informed of their right to appeal the decision.

Goods/Services	Price	Comments
Books and Supplies (while attending college)	Up to \$450 per semester for full time attendance.	Prorate per credit if less than full time.
Computers	Up to \$1,200	Includes CPU, keyboard, monitor, printer, modem and basic software. Does not include cost of assistive or rehabilitation technology devices or software. Compare prices among vendors.
Initial Stocks and Supplies	Up to \$1,000	This is for initial supplies only. Ongoing purchase of supplies is not allowed.
Medical Services	See comments at right.	Use Medical Assistance Approved Price List. If procedure or item not on list, obtain three price estimates. Reference the DVR web site. <a href="http://dwd.wisconsin.gov/dvr">http://dwd.wisconsin.gov/dvr</a>
Occupational Tools and Equipment	Up to \$3,000	Obtain 3 estimates.
Transportation	Transportation will be provided in two ways. 1. If the consumer has access to usable public transportation, that will be the method of choice. DVR participation will be limited to the cost of the public transportation. 2. If the consumer does not have access to usable public transportation, mileage will be reimbursed at the state turndown rate (currently 22 cents per mile).	All consumers receiving mileage reimbursement must submit monthly mileage logs. Failure to do so will result in a suspension of payments. It will be the responsibility of the consumer to budget and plan for the use of the mileage rate so as to make sure that transportation is available to them. DVR will not participate in costs associated with insurance, maintenance, or repair of vehicles. These will be the responsibility of the consumer. Failure to plan for these contingencies could result in a discontinuation of transportation payments.

Goods/Services	Price	Comments
Tuition	Not to exceed costs at UW or WTCS system or where the overall cost of the IPE is less by attending the other school.	Tuition for repeat classes is the responsibility of the consumer if DVR funds were used for the original class, unless the reason for repeating the class is disability-related or extraordinary circumstances approved by the DVR.
Child Care	County Approved Rate	Use the County Approved rate for childcare reimbursement at the 100% level.
Maintenance	Actual increased costs.	Reference policy for the circumstances under which the DVR pays for maintenance.

### **Equal Opportunity Statement**

DWD is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact 800-442-3477 or 888-877-5939 (TTY).

For further information, visit our DVR website at <http://dwd.wisconsin.gov/dvr>

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